

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

M.S., D.H, C.C. and Nicole Tokarski,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

MED-DATA, Inc.

Defendant.

Case No. 4:22-cv-00187

Hon. Judge Charles Eskridge

**SUPPLEMENTAL DECLARATION OF ELENA MACFARLAND REGARDING THE
STATUS OF SETTLEMENT NOTICE PROGRAM**

I, Elena MacFarland, hereby declare and state as follows:

1. I am a Project Manager for the Court-appointed Settlement Administrator, Postlethwaite & Netterville, APAC (“P&N”)¹, a full-service administration firm providing legal administration services, including the design, development, and implementation of unbiased complex legal notification programs. As the Project Manager, I am personally familiar with the facts set forth in this Declaration.

2. I am over the age of 21. Except as otherwise noted, the matters set forth in this Declaration are based upon my personal knowledge as well as the information provided by other experienced employees working under my supervision.

3. The *Declaration of Elena MacFarland Regarding the Status of Settlement Notice Program* (the “Status Declaration”), submitted to the Court on July 5, 2024, detailed the status of the Notice Program and reported on claims received as of July 5, 2024. This Declaration provides an update on claims received and their disposition as of September 9, 2024.

CLAIM ACTIVITY

4. The deadline for Settlement Class Members to submit a Claim Form was May 21, 2024. In total, P&N received 4,843 claim submissions, of which 4,539 submissions have been determined to be non-duplicative and from Settlement Class Members.

5. Table 1 below provides the summary statistics of claim submissions received. Table 2 below provides a summary of the approved claims and estimated awards as of September 9, 2024. With consideration to the number of claims approved as of the date of this Declaration, assuming that Attorneys’ Fees, Costs and Expenses, and Service Awards are approved as outlined in the *Plaintiffs’ Unopposed Motion for an Award of Attorney’s Fees, Reimbursement of Costs and Expenses, and Service Awards*, filed with the Court on May 6, 2024, and factoring in the costs of notice and administration, the Alternative Cash Payment is estimated to be \$500.00. P&N

¹ As of May 21, 2023, the directors & employees of Postlethwaite & Netterville, APAC (“P&N”) joined EisnerAmper as EAG Gulf Coast, LLC. Where P&N is named as an entity, EAG Gulf Coast, LLC employees will service work contracted with P&N.

will continue to intake and analyze claims submitted to the Settlement P.O. Box, postmarked by the claims filing deadline of May 21, 2024.

6. The Settlement Agreement provides that all Settlement Class Members are eligible to access, without the need to file a claim, for a period of 36 months, the Medical Shield Premium service, a health data/fraud monitoring service with a \$1 million of fraud/medical identity theft insurance service provided by Pango. ¶ IV.3. The Settlement Agreement also provides that any residual monies in the Settlement Fund, after payment of all approved claims, Notice and Administration Costs, Fee Award and Costs as awarded by the Court, and Service Award payments approved by the Court, will be used to extend the coverage period of the Medical Shield Premium service. ¶ IV.5. P&N estimates that after payment of all approved claims, Notice and Administration Costs, Fee Award and Costs as awarded by the Court, and Service Award payments approved by the Court, approximately \$1.8 million will remain in the Settlement Fund. With this amount of remaining funds, it is anticipated that the Medical Shield Premium service will be extended for an additional period of 24 months, allowing Settlement Class Members to access the service for a total of five (5) years.

Table 1: Claims Statistics	
Description	Volume (#)
Total Claims Received	4,843
(-) Duplicate Claims Identified	48
(-) Invalid Claims – Not a Class Member	245
(-) Invalid Claims – Late	11
(=) Net Claims Received	4,539

Table 2: Approved Claims Summary	
Benefit Category	Approved
Number of Out-of-Pocket Losses Claimed	2
Total Out-of-Pocket Losses (\$)	\$6,324.47
Number of Time Spent Claims	170
Total Number of Hours Claimed	749
Total Hours Claimed (\$)	\$18,725.00
Number of Alternative Cash Payments Claimed	4,364
Total Alternative Cash Payments Claimed (\$)	\$2,182,000.00
Total (\$)	\$2,207,049.47

CERTIFICATION

I, Elena MacFarland, declare under the penalty of perjury that the foregoing is true and correct. Executed on this 9th day of September, 2024, in Baton Rouge, Louisiana.



Elena MacFarland